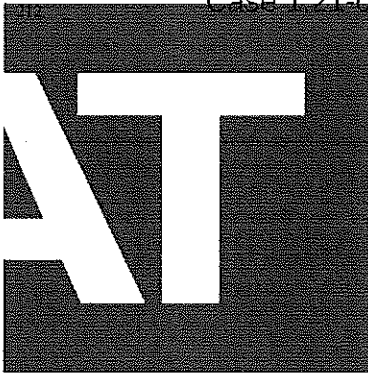


Eric M. Creizman

Direct T 212.972.0200 F 212.409.8385

ECreizman@atilp.com



ADJOURNED TO WEDNESDAY,
NOVEMBER 2, 2022, AT 4:30PM.
SO ORDERED.

8/11/22 6/Koeltl
✓ S O J

By ECF

August 10, 2022

The Honorable John G. Koeltl
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. James Jeremy Barbera, 21-CR-154 (JGK)

Dear Judge Koeltl:

I respectfully submit this letter motion requesting a further adjournment of Jeremy Barbera's sentencing hearing from September 15, 2022 to October 24 or 25, 2022. The government does not oppose this request.

As I discussed in my previous application for an adjournment of Mr. Barbera's sentencing hearing, Mr. Barbera underwent knee replacement surgery and is still recovering by participating in physical therapy. Mr. Barbera, however, also requires spine surgery because he suffers from scoliosis, bulging discs, herniation, and degenerative stenosis. Mr. Barbera met with his spinal surgeon last Friday, and Mr. Barbera advises that his surgery will take place in September. I have provided both Probation Officer Johnny Kim and counsel for the government medical records supporting this diagnosis and the need for his surgery. Adjourning the sentencing hearing to late October will permit Mr. Barbera sufficient time to have completed the first month of his recovery.

Furthermore, I anticipate that our objections to the PSR will be submitted to the Probation Officer on or before Monday, August 15, and the additional time will have the salutary benefit of enabling counsel for the government sufficient time to respond, and for the parties to potentially resolve factual disputes prior to sentencing. The specific dates of October 24 and 25 are requested so that the sentencing occurs after the Jewish holidays (which I observe), and to avoid certain scheduling conflicts that counsel for the government would have in November.

This is Mr. Barbera's second request for an extension of his sentencing hearing. On May 23, 2022, the Court granted Mr. Barbera's unopposed request for an extension of his sentencing hearing, originally scheduled for June 16, 2022, to September 15, 2022. (Docket No. 136).

Hon. John G. Koeltl
August 10, 2022
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We thank the Court for its consideration in this matter.

Respectfully submitted,

/s/ Eric M. Creizman
Eric M. Creizman (EC7684)

cc: AUSAs Kiersten Fletcher and Daniel Loss (by ECF and email)
United States Probation Officer Johnny Y. Kim (by email)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMERGENCY PHYSICIAN SERVICES OF NEW
YORK, ET AL.,

20-cv-9183 (JGK)

Plaintiffs,

ORDER

- against -

UNITEDHEALTH GROUP, INC., ET AL.,

Defendants.


JOHN G. KOELTL, District Judge:

For the reasons explained at today's conference, the defendants' objections to Magistrate Judge Netburn's discovery rulings, ECF No. 164, are **overruled** with respect to Magistrate Judge Netburn's rulings concerning: (1) the defendants' strategy and profit motive documents, and (2) complaints about the amounts charged by the plaintiffs for their services. The defendants' objection with respect to the plaintiffs' cost information is **sustained**. The defendants may file a motion for summary judgment by September 1, 2022. The plaintiffs should respond by September 22, 2022. The defendants may reply by October 6, 2022. Discovery will not be stayed while the motion for summary judgment is being briefed or considered.

The Clerk is directed to close Docket No. 175.

SO ORDERED.

Dated: New York, New York
August 11, 2022


John G. Koeltl
United States District Judge